

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROTHY'S, INC.,

Plaintiff,

v.

BIRDIES, INC.,

Defendant.

Case No. [21-cv-02438-VC](#) (AGT)

**ORDER GRANTING MOTION TO
SEAL**

Re: Dkt. No. 122

In connection with a discovery letter that Rothy's filed and the undersigned addressed, *see* *dk.* 123, *dk.* 127, Rothy's filed a motion to seal six exhibits to the letter on the basis that Birdies had designated the exhibits as confidential, *see* *dk.* 122. Birdies, in response, has asked the Court to seal three of the exhibits in their entirety, and to allow redactions to a fourth. Birdies doesn't contend that the other two exhibits need to be sealed or redacted. *See* *Dkt.* 152.

The exhibits Birdies seeks to seal in their entirety, exhibits A, B, and C, are financial spreadsheets related to Birdies's shoe sales. For certain shoe models, the spreadsheets identify the number of units Birdies has sold and the company's revenues and gross profits from those sales. Birdies has shown good cause for sealing these spreadsheets. Birdies is a private company, and as such its financial results are not widely known. If the spreadsheets were made available to the public, Birdies's suppliers and competitors could potentially use them to gain an unfair competitive advantage. The request to seal the spreadsheets is granted.

The exhibit Birdies seeks to redact, exhibit E, is a deposition transcript. Within the transcript, Birdies seeks to seal only lines in which the company's co-founder answered questions about the financial spreadsheets just discussed and about Birdies's financial performance. For the same reason identified above, Birdies has shown good cause for redacting this information. The

request to redact portions of the deposition transcript is granted.

On or before March 24, 2022, Rothy's must file public versions of exhibits G and H, and a public version of exhibit E that includes Birdies's proposed redactions. Rothy's should not file public versions of exhibits A, B, or C.

IT IS SO ORDERED.

Dated: March 16, 2022

A handwritten signature in black ink, appearing to read 'Alex G. Tse', is written over a horizontal line.

Alex G. Tse
United States Magistrate Judge